



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SAID G. OSMAN

Atty. Ref.: 4077-2

Serial No. 10/038,682

TC/A.U.: 3732

Filed: January 8, 2002

Examiner: Davis, Daniel J.

For: UNI-DIRECTIONAL DYNAMIC SPINAL FIXATION DEVICE

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

Sir:

SEP 23 2004

TECHNOLOGY CENTER R3700

DECLARATION

Richard G. Besha declares and states as follows:

1. I am a patent attorney registered to practice in the U.S. Patent and Trademark Office and am one of the patent attorneys of Nixon & Vanderhye identified in the inventor's declaration filed in the above-identified patent application as representing the inventor, Dr. Said G. Osman.

2. After initial telephone discussions with Dr. Osman in late July 2001 and following up an e-mail forwarded at my request by my secretary, Andrea McCay to Dr. Osman on August 30, 2001, a copy being attached as Exhibit F of the accompanying Declaration of Dr. Osman, I visited with Dr. Osman at his offices in Frederick, Maryland on October 2, 2001 as evidenced by a copy of my October 2, 2001 Day Timer page attached as Exhibit G which indicates "Housecall to Dr. Osman in Frederick 2 p.m. – take

taperecorder". Technical details of the Uni-Directional Dynamic Spinal Fixation Device, the subject matter of the above-identified patent application and hereafter called DEVICE, were discussed at the October 2, 2001 meeting.

3. On or about October 15, 2001, I had discussions with an illustrator employed by Nixon & Vanderhye for the purpose of preparing patent drawings on the DEVICE as evidenced by the billed and unbilled Recap of Time, a copy of which is attached as Exhibit H with certain dates redacted. Exhibit H shows various time entries made by me in connection with the preparation and filing of the above-identified patent application on or about the dates indicated.

4. On October 29, 2001, I forwarded to Dr. Osman a set of patent drawings as evidenced by the copy of a letter dated October 29, 2001 attached as Exhibit J.

5. Between October 15, 2001 and November 9, 2001, I at various times, as evidenced by Exhibit H, drafted the patent application including the claims and specification and under cover of a letter dated November 9, 2001, copy attached as Exhibit K, I forwarded two copies of a proposed patent application with formal papers to Dr. Osman for review and execution.

6. Subsequent to November 9, 2001 and prior to November 28, 2001, I received from Dr. Osman proposed revisions to the draft patent application previously forwarded to Dr. Osman, made those revisions and forwarded to Dr. Osman the revised patent application under cover of a letter dated November 28, 2001, copy attached as Exhibit L, for review and execution.

7. Subsequent to the 2001 Christmas holidays, and on or about the first week of January 2002, I received the formally executed patent application and filed the patent application in the U.S. Patent and Trademark Office on January 8, 2002.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Sept 20, 2004

*Richard Besha*

Richard G. Besha